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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/815,547 | 03/22/2001 | Steven A. Bade | AUS9-2000-0833-US1 | 6463 |

7590 04/22/2004
EDMOND A. DEFRANK
20145 VIA MEDICI
NORTHRIDGE, CA 91326

EXAMINER

FLEMING, FRITZ M

| ART UNIT | PAPER NUMBER |
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2182

DATE MAILED: 04/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/815,547

Applicant(s)

BADE ET AL.

Examiner

Fritz M Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Fritz M Fleming
FRITZ FLEMING
PRIMARY EXAMINER
GROUP 2100

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by NNRD421139.

This Research disclosure clearly sets forth the automatic reconfiguration of an electronic device (i.e. a laptop) based upon its determined location. For example, the working domain is defined to be the mentioned cities, boundaries and geographic areas. The actual position is determined by the GPS tracking chip which is polled by the software at adjustable time intervals to determine if a new area has been entered, requiring updating of the programs that need this information (i.e. a new phone number to dial, a system clock/current time zone update), thus using the location information to automatically modify the previously mentioned functions dynamically as the device is moved within the previously mentioned working domain. A corresponding digital virtual working domain is seen as the GPS software, which has a database of cities, boundaries and the bounded geographical area such that the overall operating software

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cooperates with the actual location and the database/information location to change the predefined operations and interfaces (i.e. time zone, phone numbers to be dialed) based on the actual location. Actual location is determined by the GPS tracking chip, wherein GPS provides three dimensional location via triangulation based upon the number of satellites in view of the laptop. Also, the apparatus comprises the positioning device of the GPS tracking chip and the control module being the software in the laptop, wherein the secondary module is seen as the software comparing the current configuration to the new location to determine if changes are needed. GPS uses plural transmitters in the form of a plurality of satellites used by the receiver GPS tracking chip to determine actual 3D positional information. Thus a method, apparatus, and computer readable medium have been shown.

3. Claims 1-13,16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Glorikian 6,343,317.

Glorikian teaches a method, apparatus, and computer readable medium in the form of a PDA 29/31 with GPS circuitry 57 for receiving signals from multiple GPS satellites for determining, via triangulation, a real time 3D location. Software 42 updates the server 13 to selective push information to the portable unit. See column 6 for a description of how the information viewed by the user changes based upon location changes, thereby showing a modification of functions of the PDA based upon actual location. Note that the working domain is thus anywhere where the device is to be used. A digital working domain can then be seen as the software corresponding the information viewed to the actual location. Predefined operations and interfaces are thereby updated based upon

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location. Note also the use of an indoor domain per Figure 3 with a three dimensional reference system using triangulation techniques, again with the user being updated with location specific information relating thereto, with the possibility of advertising data also dependent upon location information. A control module is the overall software 42, with a secondary module seen as the user interface and other duties performed by the software 42. Thus the secondary module is a portion of the overall software 42 that allows the user to see the information associated with the actual location or the ability to view cached advertising information via 42 that has been pushed to the traveler via the Internet based service based upon the reported GPS data.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glorikian.

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Claims 14 and 15 specify a medical facility with unique patient records, as well as different patient records.

Glorikian does not specify the use of the device to access unique and different patient records in a medical facility. However, Glorikian does provide the motivation to use the device by a client to be provided selectable information (see columns 6 and 7).

Furthermore, it is specifically suggested to use shells of information about local government offices, local cemeteries, local museums and exhibition sites and so forth, to include economic information, as well as historical information. The underlying teaching is for a mobile user to use the actual location of the user and the device to get positional dependent information as the location changes. Teachings are specifically directed to indoor and outdoor use. Thus it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the device and method of Glorikian to include the ability to access positional information inside other indoor locations, such as a medical facility, to access differing patient records, wherein the patient records fall within the purview of the types of information sent to the user. Thus Glorikian teaches the overall concept to use indoor as well as outdoor locational data to get locational specific information, thereby rendering obvious other locations as well as the information relevant to the location or facility in which the user and device are moving.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining art cited by the examiner is seen to be cumulative

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in nature, showing various location-based services for use in electronic devices. The cited Bade et al. publications set forth related as well as the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz M Fleming whose telephone number is 703-308-1483. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-1483. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fritz M Fleming
Primary Examiner
Art Unit 2182

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